101ST CONGRESS
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HOUSE OF REPRESENTATIVES

REPORT
101-26

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION EXTENSION ACT

APRIL 13, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. FORD of Michigan, from the Committee on Post Office and Civil Service, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 1385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 1385) to make permanent the Martin Luther King, Jr., Federal Holiday Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this legislation is to amend the Act establishing the Martin Luther King, Jr., Federal Holiday Commission to make the Commission permanent and to authorize an annual Federal appropriation for the operations of the Commission.

COMMITTEE ACTION

On March 14, 1989, Representative John Conyers introduced H.R. 1385 to amend Public Law 98-399, an Act establishing the Martin Luther King, Jr., Federal Holiday Commission. The bill was referred to the Committee on Post Office and Civil Service.

During the 100th Congress, the Subcommittee on Census and Population held a hearing on a similar measure on August 2, 1988 (Serial No. 100-71). The subcommittee heard testimony from Mrs.

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Coretta Scott King, the Honorable Samuel Pierce, Secretary of Housing and Urban Development, and various public witnesses.

On April 12, 1989, the Committee on Post Office and Civil Service, by a record vote of 16–5, and with a quorum present, ordered H.R. 1385 favorably reported, without amendment.

Background

Public Law 98–144 provided for the observance of the third Monday in January, beginning in 1986, as a legal public holiday to honor Dr. Martin Luther King, Jr. The national holiday is to serve as a reminder to every American of Dr. King's work, his contributions, and his ideas.

The Martin Luther King, Jr., Federal Holiday Commission was established by Public Law 98–399 to encourage appropriate nationwide ceremonies relating to the observance of the holiday honoring Martin Luther King, Jr., and to provide, in regard to this observance, advice and assistance to Federal, State, and local governments and private organizations.

The Commission also has the mandate of sponsoring activities which educate the American people about Dr. King's values of racial equality and nonviolent social change.

The Commission is composed of 40 members, with 4 members each to be appointed by the President, the Speaker of the House, and the President pro tempore of the Senate. Additionally, Coretta Scott King and two other members of the family surviving Dr. King serve as members, along with two representatives of the Martin Luther King, Jr. Center for Non-Violent Social Change. The other 23 members are appointed by the Commission members in a manner which reflects the diversity of America's population and interests.

Under current law, the Commission is authorized only through April 20, 1989, and receives no Federal funding. The Commission may receive donations from individuals and public and private organizations to assist in carrying out its responsibilities under the law, and all expenditures of the Commission must be made from donated funds.

The sponsor of H.R. 1385, Representative Conyers, recognized the exemplary work of the Commission, which began its work in 1984, when only 17 States and the District of Columbia observed Dr. King's birthday as a holiday. To date, only six States do not recognize the Federal holiday as a legal public holiday. They are Arizona, Idaho, Montana, New Hampshire, South Dakota, and Wyoming. Also, 140 foreign countries celebrate Dr. King's birthday.

Statement

The purpose of H.R. 1385 is to ensure that work is continued in encouraging appropriate ceremonies and activities throughout the United States relating to the observance of the Federal legal holiday honoring Martin Luther King, Jr., and providing advice and assistance to Federal, State, and local governments and to private organizations, with respect to the observance of the holiday.

The bill amends the law establishing the Commission to make the Commission permanent and to authorize an annual Federal ap-

propriation for its operations. Currently, the Commission is authorized only through April 20, 1989, and receives no Federal funding. The Commission, therefore, has had to implement its mandate solely through private donations. After extensive fundraising efforts, the Commission determined that there were insurmountable obstacles to raising sufficient private donations to enable the Commission to continue carrying out its mandate.

In recognition of the Commission's need to answer its mandate and the difficulty of raising funds through private sources, H.R. 1385 makes the Commission permanent and provides an annual appropriations of $500,000. The funds will be used for the operations of the Commission, including staff salaries.

The committee believes this is in keeping with the precedent set for several Federal commissions. Examples are the Commission on the Bicentennial of the United States Constitution, which received $13 million in fiscal year 1987, the United States Holocaust Memorial Council, which received $2.1 million in the same year, and the Christopher Columbus Quincentenary Jubilee Commission, which is authorized to receive an annual appropriation of $220,000.

The Commission's successes have been accomplished only through the commitment and sacrifices of its staff and members. H.R. 1385 will alleviate some of the Commission's present financial burden, enable the Commission to continue to encourage the six States which do not celebrate the holiday to do so, and broaden its educational programs.

Section Analysis

Section 1. Short title

Section 1 of the bill sets forth the short title of the Act as the "Martin Luther King, Jr., Federal Holiday Commission Extension Act".

Section 2. Removal of termination

Section 2(a) amends section 9 of Public Law 98-399 to provide that the Commission shall continue in existence until terminated by law. Under current law, the Commission would terminate on April 20, 1989.

Section 2(b) makes conforming amendments to Public Law 98-399.

Section 3. Membership

Section 3 amends section 4(c) of Public Law 98-399 to alter the terms of service for members of the Commission in light of the Commission's permanent status established by the bill.'

New section 4(c)(1) of the law would require that members of the Commission be appointed not later than June 1 of each year for terms of 1 year, and that any vacancy in the Commission shall be filled in the manner in which the original appointment was made. The section also provides that any vacancy in the Commission shall not affect its powers.

New section 4(c)(2) provides that Coretta Scott King shall serve as a member of the Commission for life, to be replaced only by a member of the family surviving Martin Luther King, Jr., not al-

ready a member of the Commission. Mrs. King's successor would be appointed by the family and serve at the discretion of the family.

New section 4(c)(3) gives the surviving members of the King family the power to remove the two members of the family who serve on the Commission.

Section 3(b) of the bill authorizes the continuation of the terms of existing members until the first June 1 that occurs after the date of enactment.

Section 4. Reports

Section 4 amends section 8 of Public Law 98-399 to provide that the annual report required to be submitted by the Commission reflect its activities with respect to the most recent observance of the Federal legal holiday.

Section 5. Authorization of appropriations

Section 5(a) authorizes an annual appropriation of $500,000 for the operations of the Commission.

Section 5(b) provides that allowable travel expenses of members of the Commission and salaries of the Commission staff are subject to the availability of sufficient funds. This section recognizes that the Commission will have available donated funds as well as appropriated funds to carry out its mandate.

COST

The cost estimate prepared by the Congressional Budget Office pursuant to sections 308(a) and 403 of the Congressional Budget Act of 1974 is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 12, 1989.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1385, the Martin Luther King, Jr., Federal Holiday Commission Extension Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

C.G. NUCKOLS
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1385.

2. Bill title: Martin Luther King, Jr., Federal Holiday Commission Extension Act.

3. Bill status: As ordered reported by the House Committee on Post Office and Civil Service, April 12, 1989.

4. Bill purpose: The bill would make permanent the Martin Luther King, Jr., Federal Holiday Commission and would authorize the appropriation of $0.5 million annually to the commission.

Under current law, the commission operates using donated funds and will expire on April 20, 1989.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993	1994
Authorization level	0.5	0.5	0.5	0.5	0.5	0.5
Estimated outlays	0.5	0.5	0.5	0.5	0.5	0.5

The costs of this bill fall within budget function 800.

Basis of estimate: For 1989, this estimate assumes that the commission will receive the authorized amount in a supplemental appropriations bill, but that it will spend only one-fourth of the funds in the last quarter of the fiscal year. For later years, this estimate assumes the amounts authorized bill will be appropriated. The estimate of outlays is based on historical spending patterns of similar programs.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: James Hearn.

10. Estimate approved by: Robert A. Sunshine, for James L. Blum, Assistant Director for Budget Analysis.

OVERSIGHT

Under the rules of the Committee on Post Office and Civil Service, the Subcommittee on Census and Population is vested with legislative and oversight jurisdiction over the subject matter of this legislation. As a result of its hearings and investigations, the subcommittee concluded that there is ample need and justification for enacting this legislation.

The subcommittee received no report of oversight findings or recommendation from the Committee on Government Operations pursuant to clause 4(c)(2) of House Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of House Rule XI, the committee has concluded that the enactment of H.R. 1385 will have no inflationary impact on the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 27, 1984

AN ACT To establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98-144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the [first] observance of the Federal legal holiday honoring Martin Luther King, Jr.

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SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the observance of the Federal legal holiday honoring Martin Luther King, Jr., which [first occurs on January 20, 1986] *occurs on the third Monday in January each year;* and

(2) to provide advice and assistance to Federal, State, and local governments and to provide organizations with respect to the observance of such holiday.

SEC. 4. (a) * * *

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[(c) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made]

(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family.

(d) Members of the Commission shall serve without pay, but may, [subject to section 7] *subject to the availability of sufficient funds,* be allowed travel expenses, including per diem in lieu of subsist-

ence, while away from their homes or regular places of business in the performance of services for the Commission.

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SEC. 6. (a) The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. [Subject to section #7] *Subject to the availability of sufficient funds,* the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the maximum rate of pay payable for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, and no staff member may be paid at a rate in excess of the maximum rate of pay payable for grade GS–13 of such General Schedule.

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[SEC. 7. All expenditures of the Commission shall be made from donated funds]

SEC. 7. There is authorized to be appropriated to carry out this Act $500,000 for each fiscal year.

SEC. 8. Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act[.] *with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.*

[SEC. 9. The Commission shall cease to exist after April 20, 1989.]

SEC. 9. The Commission shall continue in existence until terminated by law.

MINORITY VIEWS ON H.R. 1385

Congress passed legislation first establishing the Martin Luther King Federal Holiday in 1983. This legislation designated the third (3rd) Monday in January of each year as a legal holiday honoring Dr. Martin Luther King, Jr. In 1984 Congress established the Martin Luther King, Jr. Federal Holiday Commission and charged it with the responsibility of encouraging appropriate nationwide ceremonies relating to the *first* observance of the *new* holiday. In addition, the Commission was to provide advice and assistance to Federal, state, local governments as well as private organizations in the observance of the King holiday.

"The Martin Luther King Federal Holiday Commission has done an outstanding job and has been a tremendous success" according to the Commission in its 1988 Report to the President and Congress. The Commission has fulfilled its mandate to make the Martin Luther King Jr. Federal Holiday a success. Now, not only are federal activities being conducted, but state and local governments, even other nations, plan activities commemorating Dr. King. This holiday, like the other national holidays, no longer requires federal intervention to make it a success.

As several Members pointed out during debate on the measure originally establishing the Commission, "the bill does not propose a permanent structure that will burden the budget and take our scarce resources away from vital areas where they are needed." That was one of the major contributing factors to their support of the bill. In fact, the bill specified that "all expenditures of the Commission shall be made from donated funds." In the first year the Commission received almost $900,000.00 in donated funds, and ended Fiscal Year 1988 with a surplus of $83,106.00.

George Washington's Birthday, Independence Day, Memorial Day, Veterans' Day, all of which are of equal importance in the development of our nation's ideals and goals, do not have holiday commissions.

While the Commission has undertaken many projects honoring the ideals of Dr. King, its federal mandate is complete.

DON YOUNG.
ROD CHANDLER.
TOM RIDGE.
JOHN MYERS.
DAN BURTON.

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